85-1875

Supreme Court, U.S.
FILED
FEB 14 1986
JOSEPH F. SPANIOL, JR.
CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

FEBRUARY TERM 1986

THOMAS L. SCHUCHMAN, ET UX PETITIONER,

v

UNITED STATES, SOLICITOR GENERAL CHARLES FRIED, JUSTICE DEPARTMENT, ATTORNEY GENERAL EDWIN MEESE, U.S. ATTORNEY FREDERICK J. HESS, AUSA CLIFFORD J. PROUD, U.S. MARSHALS SERVICE, DIRECTOR STANLEY E. MORRIS, U.S. MARSHAL DONALD R. BROOKSHIRE, DEPUTY MARSHAL ROBERT WINKLEMAN, DEPUTY MARSHAL RICHARD WOODARD, SMALL BUSINESS ADMINISTRATION, ADMINISTRATOR JAMES SANDERS, ASSISTANT ADMINISTRATORS, JOHN E. LAGOS, CHARLES R. HERTZBERG, EARL CHAMBERS, PATRICK H. STIEHMS, ERIC BENDERSON, WILLIAM A. KRAJEC, MARJORIE L. CASEY, W.K. ANDREWS, aka R.K. ANDREWS, aka ROBERT K. ANDREWS, DONALD I. BROOKHART, aka D. I. BROOKHART, ET AL UNKNOWN

RESPONDANTS

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

APPENDIX C

Thomas L. Schuchman
46 Emerald Lane
Fairview Heights, Il.
62208
618-398-8091

Terry Lynn Schuchman
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30 pp

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UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

December 5, 1985

No. 84-2322
85-2348

USA, SBA, ET AL

V.

SCHCUHMAN, ET AL

Appeal from the United States District
Court for the Southern District of Ill.

COFFEY, EASTERBROOK, ESCHBACH, CIRCUIT JUDGES

On consideration of the petition for rehearing en banc filed in the above-entitled cause by defendants-appellants, no judge in active service has request a vote thereon and all of the judges on the original panel have voted to deny a rehearing. Accordingly,

IT IS ORDERED that the aforesaid petition for rehearing be, and the same is hereby, DENIED.

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

Submitted November 10, 1985

Filed November 29, 1985

No. 84-2322
85-2348

USA, SBA, ET AL
V.
SCHUCHMAN ET AL

Appeal from the United States District Court
For the Southern District of Illinois--Alton

SUGGESTION FOR REHEARING EN BANC

Below is Suggestion for Rehearing in Banc to be attached to 25 copies of Appellant's Main Brief filed 9-19-84. "There is no excuse for printing same matter in supplemental appendix on appeal if material is already in the appendix." Drewett v Aetna Cas. and Sur Co C.A. La. 1976 539 F 2d 496, and distributed per Federal Rules of Appellate Procedure Rule 35(b): The clerk shall transmit any such suggestion to the members

of the panel and the judges of the court who are in regular active service..."

Comes now pro se citing Motion for Mistrial and A new Trial filed July 21,1983 contained in Short Appendix pages 6, 7, 8, of Appellant's Main Brief filed 9-19-84 and #9 on page 10 Short Appendix, and Motion to Compel to Answer page 14 and 15, Short Appendix of Appellant's Main Brief filed 9-19-84 and states:

1. The Supreme Court succinctly stated, "No, matter how rational or consistent with congressional intent a particular decision might be, the determination of eligibility cannot be made on an ad hoc basis by the dispenser of the funds." Morton v Ruiz, 415 U.S. 199, 232 (1974).

2. Reasons given by SBA in 2-14-80 order to accelerate the loan were "conclusory, unsupported, and contradictory" and the decision was thus an abuse of discretion. Allison v. Block 556 F. Supp 400, 405

(V.S. Mo. 1982). 723 F 2d 631 (8th Cir).

3. Schuchman met eligibility requirements for deferment and disaster loan and VA Check assignment showed reasonable repayment ability and Schuchman did follow administrative procedural requirements which SBA loan office Marjorie L. Casey ignores and district court concedes "there may be some evidence in the record that would tend to support that claim."

4. Even if SBA does not publish formal findings of fact and conclusions of law, it must clearly articulate the reasons for each decision in a manner susceptible to judicial review for an abuse of discretion. See City of West Chicago v United States Requlatory Commission 701, F. 2d 632, 648 (7th Cir) 1983.'

5. "SBA may choose to foreclose on a mortgage rather than give the mortgagor more time." is clearly an issue of continuing public interest.

6. Statement of facts in unpublished order

is clearly erroneous and criticizes: or questions existing law 28 USC 1292(a)(1) Interlocutory appeal from order denying injunction must be allowed.

7. That "the SBA was clearly authorized to declare Schuchman in default, accelerate the maturity of the note, and foreclose..." establishes a new or changes an existing rule of law. 15 USC 633 et seq. Allison v Block 556 F. Supp. 400, 405, W. D. Mo 1982, 723 F 2d 631 (8th Cir) 12-28-83.

8. In absence of proper motion by pro se, CCA is requested, to guard against injustice to sua sponte make appropriate motion, to request a vote on pro se Suggestion for Rehearing in Banc. decision by unpublished order Nov 6, 1985. Christoffel v U.S. 1951 190 F. 2d 585, 88 U.S. App. C. C. 1 and Robinson v U.S.C.A. Mo. 1964, 333 F. 2d 322.

Respectfully submitted,

Terry Lynn Schuchman

46 Emerald Lane

UNITED STATES COURT OF APPEALS

FOR THE SEVENTH CIRCUIT

December 4, 1985

USA, SBA, ETAL
V

SCHUCHMAN, ET AL

Appeal from the United States District Court for the Southern District of Ill.

ESCHBACH, CIRCUIT JUDGE

This matter comes before the court for its consideration upon the "AFFIDAVIT AND MOTION FOR FULL COURT RECONSIDERATION OF ORDER NOV 21, 1985 TO STAY THE MANDATE" filed herein on November 26, 1985, by Thomas L. and Terry Lynn Schuchman. On consideration thereof,

IT IS ORDERED that the request for "full court reconsideration" is hereby Denied pursuant to Seventh Circuit Operating Procedure 1(a)(1).

united states court of appeals
for the seventh circuit

November 26, 1985

No. 84-2322
85-2348

USA, SBA, ET AL

v

SCHUCHMAN ET AL

Appeal from the United States District Court for the Southern District of Ill.

AFFIDAVIT AND MOTION FOR FULL COURT RECONSIDERATION OF ORDER NOV 21, 1985 TO STAY THE MANDATE, CHRISTOFFEL V U.S. 1951 190 F. 2d, 585, 88 U.S. App. D. C. 1 and ROBINSON V U.S. C.A. MO. 1964 333, F. 2d 322

I Affiant Thomas L. Schuch;man do Solemnly affirm:

1. Reiterative Answer by Thomas L. Schuchman presented for filing February 7, 1983. appears in record to CCA as Document #43.

2. Original answers, mailed to U.S. Attorney timely, (TRANSCRIPT 11-29-82 page 10, lines 17 et al.) has written across it in red ink "A judicial review is sought." or words to that effect.

3. Number 3 said REITERATIVE ANSWER filed 2-7-83 states, "SBA was argumentative and capricious..."clearyly referring to 5 USC 706 (2)(A) and reiterating letter 7-10-80 styled answer 80-5143(8-1-80).

4. Numbers 8, 9, 10, said REITERATIVE ANSWER refer to 5 USC 706 2(B)(C) and (D) inter alia. as did original answers mailed to U.S. Attorney, in 1980.

5. I did not submit to the jurisdiction of the district court for any reason other than a judicial review of SBA order 2-14-80.

6. The district cout's refusal to perform a judicial review pursuant to 15 USC 634 et seq, 5 USC 701 et seq may be an abuse of discretion.

7. June 3, 1983 motion hearing clearly evidences judicial review is sought. My motion for continuance indicates I am asking SBA to clearly articulate the statutory reasons for their decisions not to defer and not to grant disaster relief in a manner susceptible to judicial review

for an abuse of discretion by SBA officials Marjorie L. Casey, William A. Krajec et al. 8. For that to occur district court must stay its hand until SBA review is performed and SBA central office (13 CFR Ch 1 122. 15-3(c) makes its determination. 13 CFR Ch 1 et seq clearly states any subsequent holder of SBA note is bound to same terms and conditions as SBA would be. MOTION FOR MISTRIAL AND A NEW TRIAL certified to CCA as document # 128; and 7-21-83 MOTION BRIEF allowed by district court as attached to said and certified by district court as document # 132. I certify by my signature hereto that the copy attached is a true and authentic copy of the first page of said 7-21-83 MOTION BRIEF, and do hereby seek to stay the MANDATE on grounds that appeal has merit and pro se shall prevail on Writ of Cert. To do substantial justice I do seek CCA full court, or judge thereof to make appropriate motion pursuant to cites in caption above. I hereby request clerk

to instanter file and submit to at least three active judges this motion and affidavit.

Thomas L. Schuchman

NOTARY PUBLIC SUBSCRIBED AND SWORN TO BEFORE ME THIS 25 th DAY OF NOV, 1985.

UNITED STATES COURT OF APPEALS

FOR THE SEVENTH CIRCUIT

No. 84-2322
85-2348

USA, SBA, ET AL

V.

SCHUCHMAN, ET AL

January 30, 1985

Appeal from the United States District Court for the Southern District of Ill.

BAUER, CUDAHY, ESCHBACH, CIRCUIT JUDGES

This matter comes before the court for its consideration upon the "REQUEST FOR DISMISSAL FOR LACK OF JURISDICTION WITH MEMORANDUM" , and brief in support of, filed herein on December 21, 1984, by pro se

defendants-appellants.

Appellants have filed a motion to dismiss directed toward questioning the jurisdiction of the lower court to enter a judgment against them. Such a contention is not properly addressed in a motion to dismiss and is more appropriately addressed in appellants' briefs on the merits. Accordingly

IT IS ORDERED that said motion is DENIED and appellants are instructed to raise the issues contained therein in their briefs on the merits.

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

November 29, 1985

USA, SBA, ET AL

V.

SCHUCHMAN, ET AL

Appeal from the United States District Court for the Southern District of Ill.

MOTION TO SUPPLEMENT THE RECORD ON PETITION FOR REHEARING, CCA TO SUA SPONTE

MAKE APPROPRIATE MOTION, SEE FOOTNOTE 2 PAGE 4 NOV 6, 1985 CCA UNPUBLISHED ORDER, MEMORANDUM IN SUPPORT

Comes now pro se and seeks to supplement the record on Petition for Rehearing and attaches relevant motions filed in 82-LM-1278, a state court action, and a copy of page 449 Black's Law Dictionary signed by Thomas L. Schuchman, all cites contained therein due process clause et seq , and further cites footnote 2 page 4 Nov 6, 1985 CCA unpublished order, Robinson v U.S. C.A. Mo 1964, 333 F. 2d 322, Christoffel v U.S. 1951, 190 F. 2d 585, 88 U.S. App D. C. 1. State action 82-LM-1278 file does contain copy of 5 USC 706 et seq.

MEMORANDUM

1. District court allows third party intervenor (D.C. DOC. #37) who claims to be recipient of a warrenty deed. (D.C.DOC.#30).

2. Request to city Plaintiff and third party intervenor et al for contempt (D.C. DOC #109) is ordered without merit and is

therefore denied (D.C. DOC. #113). Interlocutory appeal pursuant to 28 USC 1292(a)(1) (D.C. DOC. #125, CCA correspondance file letter 7-11-83) is ignored.

3. Request to cite (D.C. DOC # 109) is restyled and filed 4-5-84 in state action 82-LM-1278 with SBA Loan Action #17 dated 7-21-83 attached. Said attached hereto and incorporated herein along with motion to remove inter alia filed 11-27-85 in 82-LM-1278 by mention.

4. SBA review begun 7-28-83 (D.C. DOC. #149, #166, #173) finds in favoar of pro se Thomas L. Schuchman. As appears of record SBA officials Marjorie L. Casey, William A. Krajec and D.I. Brookhart abused their discretion as did Alton district court in proceeding to trial (D.C. DOC. #33, #34 #35, #36, #37, #68, #102, #110, #113, #119) and in failing to perform review/judicial review as originally requested. (Transcript 11-29-82 page 10 and page 18 lines 9 thru 12) inter alia. *Suggestion For Rehearing IN

BAnc attached hereto and incorporated herein by mention.

Terry Lynn Schuchman

NOTARY PUBLIC

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

November 6, 1985

No. 84-2322
85-2348

USA, SBA, ET AL

v.

SCHUCHMAN, ET AL

Appeal from the United States District Court for the Southern District of Ill.

COFFEY, ESCHBACH, EASTERBROOK, CIRCUIT JUDGES

* After preliminary examination of the briefs, the court notified the parties

that it had tentatively conclueded that oral argument would not be helpful to the court in this case. The notice provided that any party might file a "Statement as to Need of Oral Argument." See Rule 34(a) Fed. R. App. P.;Circuit Rule 14(f). On September 19, 1984 Defendants-Appellants, Thomas and Terry Schuchman, filed a request to qaive oral argument. On August 6, 1985, Defendants-Appellants filed a "Statement as to Need for Oral Argument with Motion to Make Certain Unanimous Three Judge Panel." Upon consideration fo these statements, the briefs, and the record, the appeal is submitted on the briefs and record.

ORDER

The United States commenced and action to foreclose on a mortgage with appellants, Thomas and Terry Schcuhman, executed as security for a Small Business Administration (SBA) loan. Following a three-day bench trial, the district court entered judgment in favor of the United Ststes, and the Schuchman

appeal. In a separate petition which has been consolidated with the instant appeal the Schuchmans request review of a SBA order. We affirm in part and dismiss in part.

In October 1977, the SBA loaned Thomas L. Schuchman $8,000. for equipment and working capital in the operation of a barber shop located in Fairview HEIGHTS, Illinois. A year later, the SBA increased the loan to $9,600. To secure the loan Schuchman signed a note and , along with this wife Terry, executed a second mortgage on their home. Under the terms of the note, payments were to begin in November 1977. During the course of the loan, the SBA granted Schuchman two six-month deferments the last covering the period from April to September 1979. Although monthly installments were to begin again in October 1979, Schuchman made no payment, and the SBA again contacted Schuchman and advised min that his loan was three months past due. This time, however, the SBA also warned

Schuchman that if he did not pay the installments them due the SBA would transfer the loan to liquidation status. But the SBA received no money, and after it failed to receive the installment due January 1980, the SBA informed Schuchman that it had elected to declare the loan in default and the balance of the note due. Schuchman subsequently requested, (but the SBA denied) yet another deferment. Because other proposed means to remedy the default proved unsatisfactory, the SBA decided to bring foreclosure proceedings. It purchased the first mortgage and note on the Schuchman home, acquired an assignment and on June 23, 1980, the United States on behalf of the SBA commenced the instant foreclosure action. The proceedings that followed only could be described as arduous and protracted, but the case eventually came to trial. The district court found that it could only "come to the one conclusion and that is that this mortgage was deliquent, was in default, the payments

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were not made, the terms of the note and mortgage were not complied with." Additionally, the court found that "there was no third deferral...to prevent the loan from going into default" as the Schuchmans had contended. Accordingly, the district court entered judgment on July 12, 1983 in favor of the government in the amount of $43,967.72 and ordered the sale of the Schuchman home. The court also entered judgment in favor of the government and against Schuchman on an unsecured note in the amount of $2,089.67. The Schuchmans subsequently filed numerous motions which the district court considered, in part as having been brought pursuant to Fed R. Civ. P. 59. On June 5, 1984, the district court denied all post-trial motions filed by the Schuchmans.

There is no question but that the SBA must insist upon prompt payment of due installments on its loans, see 13 CFR 122.21 and, if a borrower is in default on one or more installments, the SBa may choose

to foreclose on a mortgage rather than give the mortgagor more time. See 13 CFR 122.23-.24. Contrary to the Schuchmans' assertion, the record clearly establishes that the SBA loan was in default and that there was no deferment in effect to prevent the default.

The first payment on the Schcuhman loan was due on November 20, 1977 (and the 20th day of each month thereafter) but made on December 6, 1977. Schuchman paid the next four monthly installments on December 19, 1977; January 27, 1978, March 13, and April 6, 19 Schuchman failed to make the April and May payments, but on June 8, 1978 the SBA granted Schuchman a six-month deferment (for installments due April 20 thru September 20, 1978). Schuchman made six additional payments on his loan--November 1 and November 24, 1978 February 12, March 14, April 11, and July 10, 1979--which the SBA applied to the in stallments due October 1978 through March 1979. In June 1979 Schuchman requested another six-month deferment. The SBA again

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approved the request (upon a recommendation that that Schuchman be given "one last chance") but mistakenly granted only a four-month deferment. When discovered, the SBA remedied the problem and added two months to the second deferment. Consequently the SBA deferred payments on Schuchman's loan for the period April through September 1979. Payments were to resume again on October 1979. However, Schuchman made no further installments, and the SBA granted no additional deferments. The Schuchman's contention that there was an additional deferment that would have prevented the note and mortgage from being in default is without merit. The district court's finding is not clearly erroneous and accordingsly will not be set aside. De Pass v. United States, 721 F. 2d 203, 205 (7th Cir. 1983). Schuchman contracted to pay monthly installments on his SBA loan and the SBA's insistence upon prompt payment of the installments when due was

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proper. The district court conceded that "there may be some evidence in the record that would tend to support that claim, but found the evidence "not convincing not persuasive." Moreover, the SBA was clearly authorized to declare Schuchman in default, accelerate the maturity of the note, and foreclose on the second mortgage where it held both first and second mortgages. United States v. Olsen, 515 F. 2_d 1269, 1271 (1st Cir. 1975). Indeed, the SBA's actions were consistent with its obligation to insure the integrity and viability of its loan program. See United States v. Wallace & Wallace Fuel Oil Co., Inc., 540 F. Supp. 419, 431, (S.D.N.Y. 1982).

The Schuchmans further contend that SBA decisions regarding the loan were not proper. They argue that decisions not to grant a third deferral, provide other financial or managerial assistance, or accept VA checks as direct payment on the loan, and

many other administrative decisions were wrong and violated their right to due process under the law. The SBA must make many decisions in the course of administering its loan programs which are by their very nature committed to agency discretion and expertise. See e.g., 13 CFR 131.3(a) (loan deferments); see generally 15 U.S.C. 634 (b). Where, as here, the decisions of the agency involve discretionary managerial and business rather than legal judgments such decisions are unreviewable. See Gifford v. Small Business Administration, 626, F. 2d 85, 86 (9th Cir. 1980)(SBA's determination of whether to provide managerial counselling and aid is clearly committed to agency discretion and nonreviewable); see also United States v OCCI Co., 758 F. 2d 1160, 1167 (7th Cir. 1985)(HUD managerial and business judgments made during course of administering loans not relevant to foreclosure action) (Posner, J., concurring).

Finally, the Schuchmans seek review

of "the order of the U.S. Small Business Administration authorizing demand letter entered on February 14, 1980." 1/ In essence the Schuchmans ask that we review the SBA's initial decision to declare the loan in default and accelerate payment. Section 634(b)(1) of Title 15 United States Code, permits the Administrator of the SBA to sue and be sued and confers jurisdiction on the federal district courts to hear such suits. Expedient Services, Inc. v. Weaver 614 F. 2d 56, 57 (5th Cir. 1980); see also Johnson v. Citizens Bank & Trust Co. 659 F. 2d 865, 870 (8th Cir. 1981).2/ The Schuchmans sought no review in the district court. Ratehr, they filed the instant petition as an original action in

1/ TLhis request was filed as a separate appeal (No. 85-2348) and consolidated with the instant appeal (No. 84-2322) for decision.

2/ Jurisdiction is also granted to state courts having general jurisdiction. 15 U.S.C. 634 (b)(1). See, e.g., Carter v. Small Business Administration, 573 P. 2d 564, 40 Colo. App. 271 (1977), cert. denied 104 S. Ct. 711 (1984).

this court on August 6, 1985. As such, this court's without jurisdiction to entertain the petition. See Noland, v. United States Civil Service Commission, 544 F. 2d 333, 334 (8th Cir. 1976)(per curiam) (court of appeals has no jurisdiction to review administrative order under AdministativeProcedures Act unless expressly authorized by separate statutory grant of power); School Board of Broward County v. Department of Health, Education and Welfare, 475 F. 2d 1117, 1119 (5th Cir. 1973) (same); Arizona State Department of Public Welfare v. Department of Health, Education and Welfare, 449 F. 2d 456, 464 (9th Cir. 1971) (same), cert. denied, 405 U.S. 919 (1972).

Compare 28 U.S.C. 2342. 3/ Accordingly we dismiss appeal No. 85-2348. 4/

AFFIRMED IN PART
DISMISSED IN PART

3/ The Schuchmans allege jurisdiction under the Administrative Procedure Act, 5 U.S.C. 701 et seq, but it is clear that this Act does not provide an independent grant of

(footnote continued)

jurisdiction. Califano v. Sanders, 430 U.S. 99, 107 (1977).

4/ Since the submission of their Reply Brief, the Schuchmans have filed a series of motions. In an order dated Augsut 19 1985, two such motions were to be consid ered along with the merits of the appeal, i.e. "MOTION TO ALLOW CORRECTION OF OMMISSIONS (SIC) AND MISSTATEMENT" AND "MOTION TO ALLOW COMPOSITION OF THE RECORD AS FOLLOWS." Upon consideration of both motions, each is hereby denied.

On September 26, 1985, appellant filed an "Emergency Petition for Injunction to Enjoin SBA from Selling by Quit Claim Deed and Title Policy Mortgaged Property 122 East Shore Drive, Subject Matter of this Case." Our decision today makes the relief requested moot.

On October 7, 1985, appellant filed a "MOTION TO MAKE CERTAIN: NO EXCUSABLE NEGLECT IN 85-1431; LAW CLERK ON DOCKET 84-2322 WHO WITHDREW RECORD, 1 env. loose plds; and/or to Supplement the Record; memorandum in support." To the extent that the motion requests action with respect to case 85-1431 we remind appellant that this docket number has been closed since March 22, 1985. Accordingly, this court will entertain no motion with respect to Case No. 85-1431. To the extent that the motion seeks to supplement the record in consolidated cases 84-2322 and 85-2348 due to the withdrawal of an envelope of pleadings by a law clerk such request is denied as unnecessary.

On October 8, 1985, appellant filed awith this court a "MOTION TO THE FULL COURT COMPELING (SIC) CLERK TO INSTANTER FILE AND MAIL ANY ORDER COMING DOWN IN PRO SE CASES 84-2322, 85-2348, and 85-1431 to the CORRECT ADDRESS 46 Emerald Lane, Fairview

Heights, Il. 62208 or be Held in Contempt for Failure to Comply and Thereby Delaying Pro Se, Affidavit in Support: and/or for Court to Review Motions, and Orders Denying Reconsiderations Filed September 6, 1985 and September 16, 1985 and so Delayed by Clerk's Mailing together September 30, 1985 to Incorrect Address 122 East Shore Drive Belleville, Illinois to Incorrect Address 122 East Shore Drive Belleville, Illinois 62221; and/or to correct Typographical Error in Number 9 of pro se motion to make certain; Mailed October 4, 1985 from April 14, 1985 to April 12, 1985, Copy Appearance Docket 85-1431 Attached Hereto in Support: and/or to Compel Clerk to Locate and File in 85-1431 and 84-2322 52 page motion to Judge Coffey for an Order of Mandamus Compelling Clerk to Perform its Duty and File: Petition for Review and Serve a Copy of Notice of Filing of Said Petition for Consideration Three Judge Panel Et Seq Request to Interlocutory Appeal and Correct the Record with Memorandum and Others Made and Mailed March 20, 1985 with Affidavit in Support: and/or to Supplement the Record." To the extend that this motion requests the Court to ascertain movant's correct address, such request is granted, the Court having ascertained that movant's correct address is on all records associated with the consolidated cases. To the extent that the motion requests further review of the Court's dispositions of previous motions filed herein, such relief is denied. All further relief sought is hereby denied as moot, as a copy of the Petition for Review has been duly filed with this court.

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AFFIDAVIT OF SERVICE

I, affiant, Terry Lynn Schuchman do solemnly affirm, that on this 5th day of May, 1986 I did hand deliver to the U.S. Postal Service 40 copies of this Appendix C, as required by letter of Joseph F. Spaniol, Jr., Clerk U.S. Supreme Court, dated April 30, 1986 and received May 3, 1986, and did tender the fee for registered mailing to the Clerk, U.S. Supreme Court, Joseph F. Spaniol Jr., Washington D. C. 20543 and on this same day I mailed copies by certified mail, return receipt requested, to:

U.S. Marshal Donald R. Brookshire
Special Deputy Marshal Robert Winkleman
Deputy Marshal Richard Woodard, et al
750 Missouri Ave. E. St. Louis, Ill. 62201

U.S. Solicitor General Charles Fried
Attorney General Edwin Meese, et al
Department of Justice, Washington D. C. 20530

U.S. Attorney Frederick J. Hess
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750 Missouri Ave. E. St. Louis, Ill. 62201

SBA Asst. Administrators William A. Krajec
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SBA Administrator James Sanders, Asst. Adm.
Earl Chambers, John E. Lagos, Charles R. Hertzberg
Patrick H. Stiehms, Eric Benderson, R. K. Andrews,
1441 L. St. N. W. Washington D.C. 20416

Stanley E. Morris, Director, U.S. Marshals Service
ATTN: Gerald Auerbach, General Counsel, et al
One Tysons Corner Center, McLean, Virginia 22102

Terry Lynn Schuchman
46 Emerald Lane
Fairview Heights, Ill 6
618-398-8091

NOTARY PUBLIC

Subscribed and swor

Day of May 19